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Sample Proficiency Standard

SOCIAL STUDIES

C: Political Science and Citizenship: Power, Authority, Governance, and Responsibility

CONTENT STANDARD

Students in Wisconsin will learn about political science and acquire the knowledge of political systems necessary for developing individual civic responsibility by studying the historic and contemporary uses of power, authority, and governance.

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PERFORMANCE STANDARDS

- C.12.1. Identify the sources, evaluate the justification, and analyze the implications of certain rights and responsibilities of citizens
- C.12.3. Trace how legal interpretations of liberty, equality, justice, and power, as identified in the United States Constitution, the Bill of Rights, and other United States Constitutional Amendments, have changed and evolved over time

SAMPLE TASK

Students were asked to read and interpret landmark court cases related to the interpretation of the First Amendment (i.e., *Tinker v. Des Moines*, 1969; *Barker v. Hardway*, 1969; and *United States v. O'Brien*, 1968). The students were asked to examine the issues involving rights, responsibilities, and the status of the individual in relation to the general welfare of the country and respond to the following statement in essay form. "In the 1960s, several controversial court rulings were made concerning the freedom of speech. Based on the decisions with which you are familiar, agree or disagree with the following statement: 'The Constitutional freedom of speech, guaranteed to all Americans, extends to any activity of a nonviolent nature.'"

SAMPLES OF STUDENT WORK

EXPLANATIONS OF RATINGS OF STUDENT WORK

Advanced

The writer correctly identifies that nonviolent activity is not always protected. All three cases are described and differentiated in multiple paragraphs that are well organized. The writer separates violent from nonviolent and recognizes that the O'Brien case is different. The essay is factually correct, and the writer substantiates opinion with multiple references to the cases.

The First Amendment to our Constitution has been the center of many debates and court cases over the years. Its "core meaning" of Freedom of speech has been, and must be continuously interpreted to fit the times. The question being asked by the cases of Tinker v. Des Moines, Baker v. Hardy, and U.S. v. O'Brien is whether the Freedom of speech, which is guaranteed to all Americans, extends to any activity of nonviolent nature.

When one looks to the case of U.S. v. O'Brien it seems clear that the Freedom of speech does not extend to any nonviolent act, since O'Brien was found guilty of burning his draft card, which he claims was "symbolic speech". Personally, I cannot agree that burning a draft card is violent in nature, and I believe that this should be covered fully under Free speech. My main objection in saying that draft card burning should be considered speech is the case of Tinker v. Des Moines; in this case, students were allowed to wear black armbands to protest the war in Vietnam. I feel that wearing the armbands is also a form of "symbolic speech", and if the court ruled that armbands could be worn, they should have ruled that draft cards could be burned non-violently as well.

Separate from the previous two cases, Baker v. Hardy, dealt with a clearly violent action. These actions, as was ruled, are not to be covered under Freedom of speech; this is obviously the correct decision since they will violate the personal freedom of others, unlike armbands or draft card burning.

As you can see, the First Amendment does not extend to all activities of a nonviolent nature, although in this writer's opinion it is unfair to allow for one form of nonviolent "symbolic speech" and not another. It has been shown, using the precedents of Tinker v. Des Moines, Baker v. Hardy, and U.S. v. O'Brien that violent acts will surely not be allowed as a part of the First Amendment, and that often, violent, nonviolent acts are tolerated, while some are considered dangerous.

The right of individuals/groups under the first amendment has long been in calling, commercial life. Some people have interpreted it to mean that any action is protected but it is a distortion of free speech, which must have and their own limits.

The same district in the landmark case all very good example of how judges distorted the difference between nonviolent individual and the extent to which they have caused them. In the first case (Tinker v. Bag Kings), several students were arrested in a restricted school against the Vietnam war in which they were members. The school board banned them children from wearing flags and the federal taken to court with support from the ACLU. After several years courts held the board's argument that "members would be disruptive to school school activity," the Supreme Court ruled in favor of the students saying that the students still in the system at, nonviolent political speech is defined by the amendment. It may also noted that this approach whether is subject or not.

The case of Tinker v. Harding was also related by the first case. Ten students were expelled from Winfield State College for singing. The parents took the president down by the first case as a basis for their case. The judge ruled that since they were a majority and violent in their methods that the first case may not apply to them.

David Stone in Oregon was the last case discussed. David Stone publicly known was drafted into as a protest against the Vietnam War. He was arrested under a law prohibiting this act, and was sentenced to 90 years in prison. He appealed to the Supreme Court. His appeal was rejected. He wrote that it was a direct violation of the first amendment as he was arrested for his political speech.

My feeling on this matter would depend on the facts, so I would say that the constitution does not give us the freedom of speech. I believe that all freedom should be given if the national is peaceful, nothing should be, unless, however a limit is placed on any group at what she can be considered speech. Some forms of political speech, except in necessary cases as in the case of the Vietnam war. Although in my opinion it, having doubt and would encourage many other cases. With the students involved, nothing is being destroyed, therefore that is not within in any way, just the right is obviously protected.

Proficient

The writer clearly answers whether nonviolence is protected. All three cases are mentioned with no error. The writer mentions or quotes or paraphrases the decisions and supports answers with multiple references that differentiate the cases.

'The Case of the Black Students'

I agree with the statement that "the Constitutional freedom of speech, guaranteed to all Americans extends to any variety of a tumultuous dispute".

In the case of *Tinker v. Des Moines*, the Supreme Court found that the students' wearing of armbands was a form of symbolic speech, and thus, a form of

speech. If it was a disturbance, it would have come to a different conclusion. If any one should

have a disturbance, it is the right of that person and anyone I don't know or know for anyone to argue their case.

In the case of *Baker v. Carr*, the students violated the rights of others and violence and disturbance. If these things had not been committed, then I think that the court would have ruled differently. This is a difference between 'Freedom of Speech' and 'Freedom of Violence' which is my knowledge that is no constitutional right granted.

Finally, in the case of *United States v. Brown*, I agree with the Supreme Court ruling that he did not have symbolic speech. Brown caused no harm to others, nor did any type of violent act, but simply used a certain way to express his mind.

In conclusion to my beginning statement and explanations of the *Tinker* cases, I believe that no one is to be afraid of others and not violated and no harm is done. That is, peacefully is constitutional for any person in any public situation. If you don't agree, you can't go to school. They are not allowed to allow to show their heads because it may be disturbing to students thinking them to be disturbed. I could go on with examples, but I find it unnecessary with the Supreme Court that to pick up our ideas and feelings with our words. I believe that it should be the outcome of all these cases.

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Basic

The writer does not clearly answer the question regarding nonviolence, but refers to one or more of the cases. The writer gives unsupported opinions and may include some factual errors

After reading the three court cases, *Tinker v. Des Moines*, *Barker v. Herlihy*, and the *United States v. O'Brien*, I believe that not all nonviolent forms of protest should be covered by the Constitutional freedom of speech.

In *Tinker v. Des Moines*, I believe that the Supreme Court made the right decision in allowing the students to wear the black armbands wearing armbands is a peaceful form of protest and does not harm anyone. The only way armbands would disrupt classroom activities is if the teacher made a big deal of it.

The case of *Tinker v. Des Moines* should in no way be compared to *Barker v. Herlihy*. In the latter case, the students were engaged in violent protests, which is extremely dangerous and disruptive.

In the third case, the *United States v. O'Brien*, I agree with the court's decision. Burning a draft card is not peaceful and is against the law. While it is a nonviolent demonstration, its actions should not be protected under the freedom of speech. Some things should not be allowed to be considered a form of speech.

Minimal

There is little or no reference to any of the cases. The writer gives irrelevant comments which contain factual errors and provide little detail. The writer has ignored or misunderstood the task.

Does the constitutional freedom of speech, guaranteed to all Americans, extend to any activity of a non-profit nature? That is the question that many people in the U.S. have, reasonably, the feeling that this is true. If you do something considered good, cannot be held to stop or to take direction of.

The first amendment of the Constitution states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the government for a redress of grievances." When you read the first amendment you will never find out that the school board of Los Angeles had no right to make these rules they made them up, all they were making or oversteering protest, their rights under the constitution are protected.

For the case of "Harris on Harbors," it believe that the students want to for. Students the students, by engaging in aggressive behavior, had the rights of first amendment taken away from them. They not only violated the 1st amendment, but they also violated the rights of the people they harassed.

~~the school~~
I believe that if you protest in your school, that there is nothing anybody can do to you. ~~the school~~